

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Edmund Hoppe et al.

Examiner: **Ketter, James**

Application No.: **10/766,339**

Art Unit: **1636**

Filed: **January 28, 2004**

Title: **SCREENING ASSAY BASED ON THE FORKHEAD TRANSCRIPTION FACTOR-DEPENDENT SOD-3 PROMOTER**

RESPONSE TO OFFICE COMMUNICATION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement under 35 U.S.C. § 121 dated September 11, 2006, Applicants provisionally elect Group I (Claims 1-25), drawn to an isolated nucleic acid comprising SEQ ID NO: 1, and cells and *C. elenans* comprising the nucleic acid, classified in class 800, subclass 13, *with traverse*. Applicants file concurrently herewith a Petition under 37 § 1.136(a) to extend the time for response for one (1) month, or until November 11, 2006. Applicants respectfully request reconsideration and modification of the restriction requirement in view of the following remarks.

Remarks

The Examiner has required, under 35 U.S.C. § 121, restriction to one of the following two groups of inventions:

Group I. Claims 1-25, drawn to an isolated nucleic acid comprising SEQ ID NO: 1, and cells and *C. elenans* comprising the nucleic acid, classified in class 800, subclass 13.

Group II. Claims 26-35, drawn to a method of identifying a modulating compound,